

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JANINE DONALDSON and
KIMBERLY MCKENZIE,

Plaintiffs,

v.

RONALD LENSBOUER and
SOMERSET COUNTY,

Defendants.

Civil Action No. 3:15-cv-63-KRG

JUDGE KIM R. GIBSON

JURY TRIAL DEMANDED

SOMERSET COUNTY'S PROPOSED VOIR DIRE

In addition to the standard voir dire questions set forth in Local Rule 47, Defendant, Somerset County, proposes the following voir dire:

1. Have you ever served on jury duty before this case? If so, please describe the cases on which you served as a juror and the verdicts in those cases. Is there anything about your prior experience as a juror that would prevent you from being fair and impartial as a juror in this case?
2. Have you ever been a party to a lawsuit? In other words, have you ever sued anybody or has anybody ever sued you? If so, please describe the nature of, and your involvement in, that lawsuit.
3. Have you ever been a witness at a civil or criminal trial or at a deposition? If so, please describe those circumstances?

4. The parties in this case are Janine Donaldson and Kimberly McKenzie, who are the plaintiffs, and Ronald Lensbouer and Somerset County, who are the defendants. Do you know anything about any of the parties in this case? If so, what do you know about them? Would that knowledge prevent you from being fair and impartial in this case?

5. This case involves allegations that the plaintiffs, Janine Donaldson and Kimberly McKenzie, were sexually harassed by Ronald Lensbouer, while all three were employed as correction officers at the Somerset County Jail. Have you heard any media reports or read anything about this case?

6. Have you seen any recent media reports (TV, print, social media) regarding allegations of sexual harassment?

7. If you have seen any recent media reports about sexual harassment, have those reports affected your beliefs about either people who accuse someone of sexual harassment or people who are accused of sexual harassment?

8. Do you have a tendency to believe people who allege that they are the victims of sexual harassment?

9. Do you have a tendency to disbelieve those accused of sexual harassment?

10. Do any of you believe that an employer should be automatically responsible for harassment committed by of one its employees on all occasions, regardless of whether the employer knew of the harassment by the employee or should have know of it?

11. Do you believe an employer has an obligation to fire an employee who is accused of harassment by a coworker, regardless of whether the accusations can be proven?

12. Can you accept that an employer is not responsible for the bad acts of its employees unless the employer is itself negligent?

13. Do you believe you have ever been the victim of harassment in the work place? Have you ever left a job due to feeling harassed? If so, please describe that experience.

14. Do you believe you have ever been the victim of sexual harassment or sexual assault? If so, please describe that experience.

15. Have ever you or any family members been accused of committing sexual harassment or sexual assault? If so, please describe the circumstances.

16. Do you believe that employers have an absolute duty to protect their employees from the acts of their coworkers, regardless of the circumstances?

17. In the event that you conclude that Ronald Lensbouer harassed or assaulted either Kimberly McKenzie or Janine Donaldson, or both of them, would you automatically conclude that Somerset County was also responsible because it employed Mr. Lensbouer?

18. Do you know any of the following individuals who are alleged to be involved in this case and some of whom may be witnesses in this action:

- a. Janine Donaldson
- b. Kimberly McKenzie
- c. Ronald Lensbouer
- d. Adele Bauer
- e. Greg Briggs
- f. Alice McCartney
- g. JoAnn Rheel
- h. Jessica Scheffel Rogers
- i. Dennis Vought
- j. Mark Keefer
- k. Chloe Thomas, formerly Chloe Sparr
- l. Daryl Marker, formerly Daryl Maust
- m. Vince Pavic
- n. Douglas Mahony, PhD.

- o. Donal Kirwan
- p. Heather Hay, Licensed Social Worker
- q. Kelly Marron, Licensed Social Worker
- r. Tom Perrin, former Warden of Somerset County Jail

19. If selected as a juror, will you be willing and able to keep a completely open mind throughout the case and wait to make up your mind until the attorneys have made their closing arguments and you have been instructed on the law?

20. Is there any reason you could not be a juror in this case?

21. Is there any reason you cannot be fair to both sides?

22. Have you or any of your family members ever been incarcerated?

23. Have you ever visited a corrections facility? If so, please describe that experience.

24. Have you or any member of your immediate family ever had any work experience in the legal profession? If so, please describe that experience.

25. Have you or any family members ever been charged with a crime? If so, please describe the circumstances.

26. Have you or any family members ever been employed in the field of law enforcement or corrections? Do you have any feelings about law enforcement officials or correction officers? Would those prevent you from being a fair and impartial juror?

27. Are you or any of your family members employed by local government? If so, in what capacity were you or your family member employed?

28. Have you or any family members had any experiences with local government which caused you to hold a negative view of local government? If so, please explain.

29. Do you have any opinions about Somerset County or its government officials?

Will those views prevent you from being a fair and impartial juror?

30. Have any of you ever worked as a supervisor of employees?

31. Have any of you ever had authority to discipline someone in an employment setting or had authority to terminate someone?

32. Have any of you ever been disciplined at work or terminated from your employment? If so, please describe the circumstances.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document has been forwarded to all counsel of record by:

_____ U.S. First Class Mail, Postage Paid
_____ Hand Delivery
_____ Certified Mail, Return Receipt Requested
_____ Facsimile Transmittal
_____ UPS Delivery
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Date: November 17, 2017

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